

Narrative Summary and Response to the March 2005 CM/ECF Public Survey

From February 10, 2005 through March 14, 2005, the US Court of Federal Claims conducted a survey to seek feedback from our public customers about the CM/ECF system and the resources offered by the Court. The Court sent notice of the survey to the members of our ListServ email announcement list, posted on the CM/ECF section of the Court's public website, and the login screen to the CM/ECF system. We received 150 responses and appreciated your time, comments, and questions. Your feedback provided invaluable insights into our customers' needs and will impact the development of future CM/ECF services.

Below is a list of respondent comments along with either an answer, explanation, or proposed plan of action. Respondents' comments are taken verbatim from the survey and the Court's reply in bold. We will work within our means to provide you the best Court support. Please be aware that many of the "proposed plans of action" require significant number of work hours and several dedicated full-time training staff. Therefore, changes will take time.

RESPONDENT BACKGROUND

The majority of respondents were attorneys (72.5%) with CM/ECF accounts at this Court. Only four respondents reported that the registration process was not clear to them. Over half of the respondents work in offices with over 31 employees, including attorneys and staff (55.6%). A majority have filed an electronic document using the Court's CM/ECF system (60.4%).

TRAINING

Self-training using the Court's website (45.5%) and in person sessions with Court staff (23.1%) are the top two means for obtaining training, respectively.

When asked what topics were not covered or available during training that would have been beneficial, responses were fairly evenly spread amongst those listed, with "selecting the correct event labels for a filing" at the top of the list (30.1%).

The Court will look into rearranging and adding to the online training resources to make sure all information is available in one place for those who train themselves online. We will also be sure to cover each of these topics in the in-person sessions conducted by Court staff.

The items listed on the survey (with specific pointers/responses to these topics):

1. Local electronic filing rules (18.1%)

The local rules for electronic filing are in our General Order 42A, available on the website at http://www.uscfc.usCourts.gov/CMECF_Section/Rules.htm

2. Sealed document filing (24.1%)

The Court will work to create a resource (handout, demonstration, etc.) that specifically covers sealed filings in detail. The rules re: sealed documents are in General Order 42A (see above) and the CM/ECF filing menu has separate sealed menus which should be used for all sealed filings.

3. How to do attachments (24.1%)

The Court will create a step-by-step Cheat Sheet.

4. How to work with PDFs (20.5%)

The Court is limited in our ability to support much of the PDF process because there are so many different hardware and software configurations for working with PDFs. The best resource is the documentation that came with your PDF software. We will continue to point out public resources and provide limited assistance. The Court has some PDF resources in our Links section and we will add those to the Training section of the site.

5. File size limits (25.3%)

The Court will create a detailed document that explains our size limit and its application.

6. Selecting the correct event (label) for filing (30.1%)

The Court will look at various ways of creating a tutorial on this topic and perhaps having a “gallery” of sample documents listed with the proper event.

Other topics that the Court received:

1. How to file consent motions.

See FAQ.

2. How to get on the automatic e-mail notification list for a particular case. I have had continuing difficulty with that.

The Court will create a step-by-step Cheat Sheet.

3. The training manual is confusing and difficult to follow.

The Court is currently rewriting and reorganizing the user manual.

4. Signing for another attorney.

See FAQ.

CM/ECF PROBLEMS

The most commonly cited problem was the selection of the correct event label (31.3%). Happily, the second highest number of people reported no problems using CM/ECF (30.4%). Below is a list of significant (over 10%) problems reported:

1. File size limits (20.9%)

The Court instituted the file size limit partially due to the technical limitations of the system and internet connections. We are also trying to make downloads less burdensome for individuals using dial-up connectivity. We will be creating a detailed document that explains the file size limit and its application.

2. Understanding screen requirements during the filing process (13.9%)

The Court will work on editing the screen instructions to be clearer and add context help information to assist users. Many screens are hard-coded in the application and so the editing process is more involved than simply rewriting text.

3. Retrieving documents (13%)

See FAQ. PACER services have contributed to some of the problems.

Other issues that the Court received:

1. System keeps kicking me out when I try to file – I have to log in over and over and each time I progress only one screen.

See FAQ.

2. Not all docs are listed.

All filings are listed on the docket sheet. If a filing is missing from the docket sheet in a paper case, then check with the Clerk's Office re: data entry. All successful electronic filings will appear on the docket automatically. Keep in mind that not all documents listed on a docket sheet will have a PDF document that you can view associated with it. Paper documents are not scanned in and non-PDF orders have no document at all.

3. Printing (saving) docket sheet.

A number of technical reasons could cause the difficulty of printing or saving docket sheets and documents. The Court will investigate these reasons and add them to our FAQ.

4. Getting on the service list.

The Court will create a step-by-step Cheat Sheet with a detailed explanation of the various ways to receive service.

GETTING HELP

CM/ECF Help Desk (User Assistance) Line (35.4%) followed by the Clerk's Office (27.3%) are the top means for getting assistance. Others use either the CM/ECF User Manual (22.2%) or In-house personnel (19.2%).

The following are the ratings on the effectiveness of the help resources: Good from the majority and Great (45%) from Chambers. PACER Service Center received both the lowest Good percentage (37%) and the highest Bad percentage (12%).

A majority of respondents said that it was clear to them how to get help and a significant minority replied that it was not clear (23.8%).

The Court posts the User Assistance Line number on the CM/ECF section of our website, as well as on the login page to the CM/ECF system itself. In addition, our website also has a Customer Service section. Lastly, the Clerk's Office main phone number is publicly listed in the top banner of almost all pages on our website. We will look into adding the User Assistance Line number within the CM/ECF system.

COURT CM/ECF RESOURCES

On non-live information Help resources, a large number of respondents used the User Manual (83.2%) with over half of respondents also using the FAQ (60.2%) and General Order (54.9%). Customer service email was the least utilized resource.

The following are the ratings on the effectiveness of the non-live help resources: all resources except Events rated in the Good category.

The Court has created a more up-to-date and interactive event list for "Event List by Menu" (under Utilities, Miscellaneous). We are in the process of creating new lists similar to this one for listing alphabetically and by rule.

ADDITIONAL COMMENTS

At the end of the survey the Court offered two open ended questions for comments on 1) new or improve resources and services that the Court could offered and 2) additional comments and suggestions regarding CM/ECF. Below are the responses organized into general subject matter.

HELP DESK

The Court understands the need for a fully competent and staffed Help Desk. We revised how we route Help Desk calls and we now with a new phone system at the Court managing the Help Desk will be more efficient. The Court is actively working to find the best solution given our limitations.

DOCUMENTS

The Court and CM/ECF system require PDF format because PDF files retain the original document format for all viewers regardless of the computer being used and are easily read with a free Adobe viewer -- an important factor in Court documents, which need to be identical for all parties. The Court does not required you to buy Adobe's Acrobat software to create PDF files for CM/ECF. On the Court's Links section, we provide a site that lists and compares many brands of PDF software.

ECF CASES

The Court expanded the classes of cases for CM/ECF in 2004 and will continue to do so until all new cases are designated electronic (except Pro Se). Our goal for 100% ECF is late 2005. For cases already pending, a conversion to ECF is now possible but is solely at the discretion of the presiding judge.

The Court can accept sealed documents electronically and we have started a pilot program for bid protest cases. The most important factor for bid protests being designated electronic is that the attorneys need to already have CM/ECF accounts prior to the filing of the case due to the fast nature of filing in these cases.

FILING

A formal request for a modification that will allow the review of attachments before final submission has been made to the CM/ECF development team at the Administrative Office of the US Courts.

Many of the menus have either an “other”, “miscellaneous” or generically labeled (e.g. Response) item for non-traditional motions or notices. The Court is looking at ways to minimize abuse of these events.

RESOURCES

The Court plans to create a reference manual for vaccine cases when the Office of Special Masters determines special practices or guidelines that they want to implement. [Note: Vaccine is still only in the pilot phase for ECF at this time.]

The Court uses a announcement service called “ListServ” for sending emails out of announcements about system downtime, upgrades, rule changes, tips and tricks, etc. Every new CM/ECF account email is added to this separate ListServ automatically. You may remove yourself from the list by following the instructions in your welcome email. Removal from the ListServ will not effect your CM/ECF service notifications. Anyone who does not have a CM/ECF account may sign up as well for the ListServ. Instructions are available at http://www.uscfc.uscourts.gov/CMECF_Section/ListServ.htm.

The Court will create a step-by-step Cheat Sheet for saving docket sheets.

GENERAL

The Court has an unrelated process for posting published and unpublished opinions on the website and the timeliness of that process is not tied to CM/ECF.

All Federal Courts are required to implement CM/ECF. It is a three-phase implementation plan with Bankruptcy first, followed by District, and lastly Appeals Courts. The requirements for using CM/ECF are minimal and do not require great expense in most offices that already have basic computer equipment. An inexpensive scanner and some free or inexpensive PDF software can be obtained for under \$200. Electronic filings allow the Court’s filing process more accessible nationwide and especially important to the Court of Federal Claims due to our national jurisdiction.

The Court plans to incorporate the General Order into the Rules, but Rule modification is a lengthy process. We will raise the issue of consolidating PDFs into the fewest possible at the next General Order review.

The Court decided to require the certification test to insure attorneys know the basics of the system. For those people that have never had exposure to the system it is a way of making sure the fundamentals of using CM/ECF are clear before someone starts to file. We have a large number of attorneys who practice solely before this court and have not been exposed to CM/ECF anywhere else. We also feel the test is important because each CM/ECF court has different local rules and procedures and we have incorporated those questions into the test as well.

POSITIVE FEEDBACK

“Actually, this Court offers more information about electronic filing than most other Courts. For the moment, I cannot think of anything the Court's website is lacking as to being user friendly or having the most current case information available.”

“I have found the WDNY Clerk's Office in particular EXTREMELY helpful and Courteous in learning how to use CM/ECF. I think CM/ECF is wonderful.”

“Once one gets accustomed to electronic filing it is great.”

“I was impressed that all registrants need to take a test to complete the registration. It was very detailed and complete. I learned alot about ECF just from taking the test. Well done.”

“Generally CM/ECF seems to have gone smoothly, congratulations. I love having documents available on line.”